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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR

W.P.NO. 5262 /2005

PETITIONER

Shri P.K. Joseph S/o Late K. Joseph,
Aged about 79 years, Resident of
House No. C-14, Sector 1,
Shankar nagar colony, Raipur. (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh
Through secretary,
Department of Accommodation & Environment
D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Competent officer,
Chhattisgarh Housing board,
Shankar nagar, Circle Raipur. (C.G.)
3. Estate Manager,
Chhattisgarh Housing board,
E.M. Zone, Shankar nagar, Raipur (C.G.)

P.B. No. 5432/05
Presented by Shri. Ashok Patil
dated. 19/10/05
RECEIVED-COPY
19/10/05
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/ 227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT(S) IN THE
NATURE OF MANDAMUS, CERTIORARI AND/OR ORDER(S)
AND /OR DIRECTION(S) IN THE NATURE OF WRITS.

and respectfully begs and

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.5262 OF 2005

Petitioner : Shri P.K. Joseph

versus

Respondents : State of Chhattisgarh and others

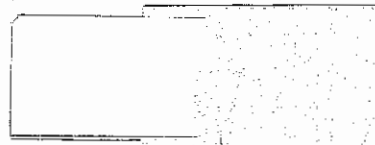
Present : Mr. Ashok Patil, counsel for the petitioner.
Mr. Arun Sao, Government Advocate for respondent
No.1/State.
Mr. Sanjay Patel, counsel for respondents No.2 and 3.

ORDER

(Passed on 22nd of November, 2006)

The petitioner has filed this petition impugning the order dated 19-9-2005 (Annexure P-1), whereby the Chhattisgarh Housing Board has demanded a sum of Rs.1,28,486/- as due from him for purchase of the house under the Higher Purchase Agreement. The petitioner has further sought for calculation of the actual value of the house in question as per circular dated 12-4-1985 passed by the Chief Engineer of the Housing Board.

2. After hearing learned counsel appearing for the parties, it was pointed out that there is a provision for alternative efficacious remedy of statutory appeal available to the petitioner as prescribed



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under Section 57 of the Chhattisgarh Griha Nirman Mandal Adhiniyam, 1972 (henceforth 'the Adhiniyam of 1972').

3. The petitioner is basically doubting the calculation made by the Housing Board. The petitioner may very well prefer an appeal before the State Government against the demand order dated 19-9-2005 (Annexure P-1) issued by the Chhattisgarh Housing Board. In view of the availability of more efficacious remedy of appeal under Section 57 of the Adhiniyam of 1972, this petition is not maintainable.

4. The petition is accordingly dismissed as not maintainable. However, liberty is reserved to the petitioner to take appropriate steps under appropriate provisions of law as prescribed in the Adhiniyam of 1972. The order of this Court dated 6-9-2006, granting *status quo*, as it obtained on that date, shall remain in force for a period of two weeks from today. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge